

**GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA**

UNSTARRED QUESTION NO:2252
ANSWERED ON:07.12.2011
PROSECUTION OF TAINTED OFFICIALS
Panda Shri Baijayant;Pradhan Shri Nityananda

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

- (a) whether the Government has worked out various steps to set a time limit for sanction to prosecute tainted officials in the Government to improve its image in the public;
- (b) if so, the details thereof;
- (c) whether it is proposed to scrap discretionary powers at higher levels to achieve the objective;
- (d) if so, the details thereof; and
- (e) the action plan to speed up clearance of all the pending disciplinary cases against Government servants and others to speed up the process?

Answer

MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE.(SHRI V. NARAYANASAMY)

(a) & (b) : The Hon'ble Supreme Court of India in case of Vineet Narain vs Union of India had directed that "time limit of three months for grant of sanction for persecution must be strictly adhered to. However, additional time of one month may be allowed where consultation is required with the Attorney General (AG) or any Law Officer in the AG's office". In order to check delays in grant of sanction for prosecution, the Department of Personnel & training has issued guidelines vide its OM No. 399/33/2006-AVD-III dated 6th November, 2006 followed by another OM dated 20th December, 2006, providing for a definite time frame at each stage and fixing responsibility for deliberate delays.

(c): No, Madam.

(d): Does not arise.

(e): The Government have accepted the recommendations made by the Group of Ministers on corruption in its first report, which inter-alia include :-

(i) The Departments/Ministries should primarily use serving officers as Inquiry Officers (IOs) and Presenting Officers (POs) and in important cases, they may request CVC to appoint their Commissioner for Departmental Inquires (CDI) as IO.

(ii) Consultation with UPSC should continue while second stage consultation with CVC may be dispensed with. However, in those cases where consultation with UPSC is not required, the second stage consultation with CVC should continue.

(iii) The major penalty of compulsory retirement should be modified so as to provide for a reduction in pension upto 33%. Mere superannuation of an officer should not be a ground for dropping proceedings for minor penalty. A cut in pension up to 20% should be imposed in this type of minor penalty. Rule 9 of CCS (Pension) Rules, 1972 and other similar applicable rules be amended accordingly.

(iv) In all cases where the Investigating Agency has requested sanction for prosecution and also submitted a draft charge sheet and related documents along with the request, it will be mandatory for the competent authority to take a decision within a period of 3 months from receipt of request, and pass a Speaking Order, giving reasons for its decision.

(v) The vigilance administration of the Central Ministries/Departments may be strengthened. In particular, the vigilance wing of Department of Personnel and Training may be strengthened with requisite manpower to ensure effective monitoring of the vigilance

matters.